

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1847 of 2023

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Balajee Ingot India Pvt. Ltd. having its Registered office at 2/7, Sarat Bose Road, Sixth floor, Suint No.3, Vasundhara Building, Kolkata-700020 through its Authorized representative namely Aditya Kanodia Male aged about 29 Years Son of Nirmal Kanodia resident of EM by Pass, Kolkata-105.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.
5. The officer Incharge, Lakhisarai, Tetarhat, Police Station.
6. The State Bank of India through the Chairman-Cum-Managing Director, State Bank of India, Corporate Centre, State Bank Bhawan, Madame Cama Road, Mumbai-400021.
7. The Chief Manager, State Bank of India, Lakhisarai Branch, Naya Bazar, Lakhisarai.
8. The Stressed Assets Recovery Branch Having its Office at, State Bank of India, Main Branch Building, West Gandhi Maidan, Patna-800001 through its Assistant General Manager.
9. The Authorized Officer, The Stressed Assets Recovery Branch Having its Office at State Bank of India, Main Branch Building, West Gandhi Maidan, Patna-800001
10. Bhadrashree Steel and Power Ltd. having its registered Office at 2/37, fourth floor, Ansari Road, Dariyaganj, New Delhi-110002.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. D. Sanjay, Sr. Advocate Mr. Gautam Kumar Kejriwal, Advocate
For the Respondent/s	:	Mr. Manish Kumar (GP4)
For the Bank	:	Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 28-03-2023

Heard learned counsel for the petitioner and the
respondent-Bank.



The petitioner, by way of this writ petition, has prayed
as under :-

(i) For issuance of a writ or order or direction upon the respondents especially the respondent State Bank of India and its authorities for restoration of possession of the entire industrial unit consisting of the factor premises and all movable assets other than those sold in terms of auction sale notice dated 23.04.2021 and sale certificate dated 17.05.2021;

(ii) For further issuance of a writ or order or direction upon the respondents especially the respondent State Bank of India and its authorities for revocation of lien on all LIC bonds and to take required steps for cancellation of charge upon all the assets and securities whatsoever created before the Registrar of Companies, Bihar in view of the liquidation of entire outstanding dues by the petitioner evidenced by the no dues certificate dated 22.04.2022.

(iii) For further issuance of a writ or order of direction upon the respondent State Bank of India and its authorities to make available to the petitioner the entire video recording of the process of taking of possession of the petitioner's industrial unit on 14.09.2020, the identification of assets by the valuer in presence of the petitioner, the bank authorities and the purchaser on 19.05.2022 and the day-to-day vide recordings done by the respondent District Magistrate, Lakhisarai and Superintendent of Police, Lakhisarai in the process of delivery of the movable assets to the auction purchaser in terms of the directions of this honourable court as contained in the order dated 23.11.2022 passed in C.W.J.C. No. 9475 of 2022 and thereafter till its completion;

(iv) For further issuance of a direction upon the respondent State Bank of India and its authorities and/or the respondent number 10 to produce the list prepared of articles delivered to the respondent number 10 in light of the order of this honourable court dated 03.11.2022 (later modified on 07.11.2022) and the order dated 23.11.2022



passed in C.W.J.C. number 9475 of 2022;

(v) For issuance of a direction upon the respondents especially the respondent State Bank of India and/or the respondent number 10 to restore all the finished products and other items removed, all the sheds namely Shed of Rolling Mill number 2, Shed of Rolling Mill Number 3, Shed of Rolling Mill number 1, Shed of Rammin Mass Plant, Shed of Metal Recovery Unit, Shed of casting plant and Shed of Induction Furnace Wing dismantled and removed by the said respondent in the garb of purchased assets in terms of the auction sale notice dated 23.04.2021 and sale certificate dated 17.05.2021 whereas the respondent State Bank of India itself vide letter dated 04.06.2022 has held that shed is not part of the items sold out in auction to the respondent number 10;

(vi) For further initiation of appropriate action against the respondent State Bank of India and its authorities and the respondent District Magistrate, Lakhisarai and Superintendent of Police, Lakhisarai for having not complied with the directions of this honourable court as contained in the order dated 03.11.2022 and 23.11.2022 passed in C.W.J.C. number 9475 of 2022 in accordance with which the said respondents were required to first identify and segregate the assets actually sold out to the respondent number 10 and then allow the removal thereof from the industrial unit of the petitioner whereas the said respondents did not carry out any such exercise and straightway handed over to the respondent number 10 the possession of all the assets lying in the basis of the petitioner which have been removed without any right and entitlement;

(vii) For any other reliefs to which the petitioner is found entitled to in the facts and circumstances of this case.”

It is informed by the learned counsel appearing for the petitioner that another writ petition has been filed by the auction purchaser praying therein that he should be allowed to remove



the auction assets from the premises. Learned counsel for the petitioner submits that before hearing the said writ petition the petitioner's prayer should also be considered.

Learned counsel appearing for the Bank, on the other hand, submits that the petitioner had earlier preferred a writ petition which was withdrawn. Thereafter, the proceedings initiated under the provisions of the **Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002** were also withdrawn by the respondent – Bank. Subsequently, the petitioner entered into the One Time Settlement Scheme whereupon the movable assets were auctioned and the amount has been adjusted. It is further submitted that the assets which were auctioned have also been lifted in view of the direction of this Court.

In view thereof, learned counsel submits that the present writ petition is wholly frivolous and deserves to be dismissed.

I have considered the aforesaid facts and found that the prayer made by the petitioner is only to direct the respondent -Bank to the restoration of possession of the industrial unit consisting of factory premises and assets that were not sold in terms of the auction sale. Since the auction purchaser has been



directed to remove the assets which were sold in the auction, no further direction is required to be made.

The writ petition is found to be devoid of merit and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.15

AFR/NAFR	
CAV DATE	NA
Uploading Date	29.03.2023
Transmission Date	NA

